IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929

WP(C).No. 12757 of 2007(R)

PETITIONER:

THE MERCHANTS ASSOCIATION,
ERUMAPPETTY UNIT, VYAPARI VYAVSAI EKOPANA SAMITHI,
REG.NO.261/82, ERUMAPPETTY P.O.,
THRISSUR, REP. BY PRESIDENT, P.L.VARGHESE.

BY ADV. SRI.DILIP J. AKKARA

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY ITS
SECRETARY, DEPARTMENT OF HOME AFFAIRS,
THIRUVANANTHAPURAM.

2. KERALA STATE ELECTRICITY BOARD,
VAYDUDHI BHAVAN,
THIRUVANANTHAPURAM.

3. THE ASST. EXECUTIVE ENGINEER,
K.S.E.B., ELECTRICAL SECTION,
KUNDANNUR, THRISSUR.

BY ADV. SHRI.P.P.THAJUDEEN, SC, KSEB
ADV. SHRI.P.N.SANTHOSH, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) No. 12757/2007

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF REGISTRATION CERTIFICATE NO.262 DATED 12/11/81.

P2 : COPY OF CERTIFICATE DATED 27/01/01 ISSUED BY REGISTRAR OF SOCIETIES, THRISSUR.

P3 : COPY OF THE MEMBERSHIP REGISTER OF PETITIONER ASSOCIATION.

P4 : COPY OF THE LEASE AGREEMENT DATED 10/01/2007.

P5 : COPY OF DEMAND & DISCONNECTION NOTICE NO. 26 DATED 09/02/2007 WITH PAYMENT RECEIPT NO.4667 ISSUED TO M.K.VARGHESE.

P6 : COPY OF DEMAND & DISCONNECTION NOTICE NO.34 DATED 02/02/07 WITH PAYMENT RECEIPT NO.101 ISSUED TO C.M.FRANCIS.

P7 : COPY OF DEMAND NOTICE FOR ADDITIONAL CASH DEPOSIT DATED NIL ISSUED BY 3RD RESPONDENT.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 12757 of 2007

Dated, this the 24th day of July, 2007

J U D G M E N T

Petitioner, an association of electricity consumers', is challenging the demand of rent for the electricity meter installed by the consumers. The Division Bench of this Court vide judgment in WP(C) No. 4215/2006 dated 25/09/2006 held that rent would be charged only if the meter is installed at the cost of the KSEB. If meter is originally installed at the cost of consumers or later replaced at consumers' cost, no rent would be charged. In the circumstances, this writ petition is disposed of following the above judgment with direction to the respondents not to demand / collect / recover any rental charges from any of the members of the petitioner association or from any consumers who have paid for purchase and installation of meter. If payment is wrongly made towards the above, it is for such consumers to claim refund.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg